

**TOWN OF ELSMERE  
PLANNING COMMISSION  
MEETING MINUTES  
January 8, 2013  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

Chairman Lindell – Present  
Commissioner Hurst – Present  
Commissioner Anderson – Present  
Commissioner Swain – Present  
Commissioner Skipski – Absent  
Commissioner Russo – Present  
Commissioner Backer – Present

**APPROVAL OF MINUTES:**

Approval of the Minutes from the November 7, 2012 Planning Commission Meeting

**ACTION:** Commissioner Russo made a motion to approve the Minutes from the November 7, 2012 Planning Commission Meeting as transcribed. The motion was seconded by Commissioner Backer.

**VOTE:** All in favor with one absent Motion carried

**NEW BUSINESS:**

Review Petition 12-35 Tax Parcel # 1900-500-105

Dean Greaves introduced himself as the representative for Automart. He stated he was requesting a variance to the property at 510 Kirkwood Hwy. He stated they owned the car lot next door to the property and they needed a little more office space for convenience.

Commissioner Anderson asked if they would be purchasing the building or leasing it.

Mr. Greaves stated they would be leasing.

Commissioner Anderson asked if they were planning on using the property strictly for administrative purposes.

Mr. Greaves stated that they were.

Commissioner Anderson then asked how many employees there would be.

Mr. Greaves said there would be the same amount and that they were just trying to alleviate some of their employee parking issues from their other property.

Code Officer, Brian Swift, explained that they could not expand a non-conforming use, so the parking at 510 Kirkwood Hwy would be limited to employee and customer parking only.

Chairman Lindell explained that the second part of the petition is a request for a variance to obtain 5 parking spaces in front of 510 Kirkwood Hwy for employee and customer parking only. He then asked where their customers and employees are parking now.

Mr. Greaves said the employees are currently parking on the car lot at 504 Kirkwood Hwy. and the customers are parking on the street or they'll come on the lot depending on the day and the flow of traffic.

Commissioner Backer asked if, once a car is up for purchase, it's to be located on the lot at 504 Kirkwood Hwy. and only the paperwork is to be taken care of on 510 Kirkwood Hwy.

Mr. Greaves said that was correct.

**ACTION:** Commissioner Backer made a motion to remove Exhibit 12-35E from the original packet due to it conflicting with what's being requested in the petition. The motion was seconded by Commissioner Russo.

**VOTE:** All in favor with one absent Motion carried

Town Manager Giles stated that he feels there should be restrictions on the variance if it's to be approved. He said the first is that no cars for sale are to be parked on 510 Kirkwood Hwy. He then said the second would be that there be no more employee parking on Northern Ave. He went on to say that the third is that no vehicles for sale are to be parked on Northern Ave. He also said that he is only leasing the bottom portion of the building for office use, and not the top portion.

Commissioner Anderson asked if the owner was trying to lease out the top portion to someone else.

Mr. Greaves said no.

Mr. Giles stated that he met with the owner and made him aware that, in his own opinion, if he were to ever try to put another business in on the top portion, he would face stiff opposition by the Town, the Planning Commission, and Board of Adjustment.

Fred Carlson introduced himself as a resident at 104 Western Ave. He stated, in his opinion, if the Special Exception Use is granted, it would be expanding the non-conforming use of the business, and that he is opposed to the petition.

Steven Burg introduced himself as a resident at 108 Northern Ave. He stated that he's pleased that the Town has a much better business in Automart than what was previously there.

Councilman Burg stated that he received no communication against it prior to Mr. Carlson's comments.

**ACTION:** Commissioner Russo made a motion to recommend approval of Petition 12-35 with the following conditions:

1. None of the employees are to park along Northern Ave.
2. No cars for sale are to be parked along or sold from Northern Ave.
3. No cars for sale are to be parked or sold on the lot at 510 Kirkwood Hwy.
4. They are only leasing the bottom floor of the property.
5. There is to be no new business venture on the property.

The motion was seconded by Commissioner Backer.

**VOTE:**            All in favor with one absent                            Motion carried

Review Petition 12-36 Tax Parcel # 1900-900-009

Mark Medori introduced himself as the owner of the property at 413A South Dupont Rd. He stated he was requesting a variance to allow a Residential unit in a HD Zone. He also stated that the unit has been there and rented out for awhile.

Chairman Lindell asked if the use was approved in a previous petition.

Mr. Medori stated that the 2<sup>nd</sup> floor of the building at 413 S. Dupont Rd. was built around 1990 and has been occupied ever since.

Chairman Lindell asked if Mr. Medori has been receiving income from the unit since 1990.

Mr. Medori stated that at the time they put the addition on the building, they were told by whoever was at the Town at that time that one residential unit was allowed.

Chairman Lindell asked why this is just now coming before them for a variance.

Code Officer, Brian Swift, stated that they got wind of it when they discovered there was a church on the bottom floor with no Business License and another business was looking to move into the top floor at 411A S. Dupont Rd.

Commissioner Swain asked what the parking requirements for the property were.

Code Officer Swift stated that the existing parking he has now is 15 parking spaces. He then stated if you were to calculate it with the space in question being vacant, he would need 23 spaces. He went on to say that if the unit were a Residential Rental unit, he would then need 20 spaces.

**ACTION:** Commissioner Backer made a motion to recommend approval of Petition 12-36 to the Board of Adjustment and to recommend they review the possibility of a variance for parking requirements. The motion was seconded by Commissioner Russo.

**VOTE:** All in favor with one absent Motion carried

#### **OLD BUSINESS:**

##### Review of the Comprehensive Plan

A discussion ensued about the possibility of removing the HD District (Highway Development).

**ACTION:** Commissioner Backer made a motion to recommend the Mayor and Council consider removal of the HD District. The motion was seconded by Commissioner Russo.

**VOTE:** All in favor with one absent Motion carried

#### **ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:**

None

#### **PUBLIC COMMENT:**

None

**ADJOURNMENT:**

**ACTION:** A motion was made by Commissioner Russo to adjourn. Commissioner Backer seconded the motion.

**VOTE:** All in favor with one absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the January 8, 2013 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**CHARLES LINDELL, CHAIRMAN**

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**LEON BACKER, SECRETARY**